

CASE NO 05-527-SLR 9/7/06

CLERK.

I ONLY HAVE ONE OTHER COPY OF PAGE 6 OF MENDEZ'S POLICE REPORT. I WANT JUDGE SUE L. ROBINSON TO HOLD ON TO 5 + 6. I HAVE NO MONEY RIGHT NOW TO MAKE COPIES. I GUESS THIS LETTER COULD BE A DECLARATION TOO. I WANT CHIEF JUDGE SUE L. ROBINSON TO KNOW THAT PAGE 6 WAS WITH HELP FROM ME FOR 1 YEAR. I HAD TO COMPLAIN EVERY TIME I SAW MY LAWYER AND EVERY APPEARANCE AT COURT. FINALLY AFTER I FELT I WAS TRICKED INTO SIGNING my PLEA AT my 3<sup>rd</sup> CASE REVIEW, I WAS THEN GIVEN PAGE 6.

I AM STILL RESEARCHING FOR my BRIEF BUT DO I NEED TO WRITE ONE WITH ALL THE EVIDENCE IVE GOT? Could you MAKE COPIES OF POLICE REPORT 5+6 AND SEND THEM BACK PLEASE. THANK you for your time.

Sincerely,  
DAVID S. YARNALL 548973  
SCI  
P.O. Box 500  
GEORGETOWN DE 19947

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT S.C.I., GEORGETOWN DE ON 9/7/06.

  
SIGNATURE

Scanned: BD 9/11/06



## Investigative Narrative - Continued

PC2 (K [REDACTED]) PC2 was on the scene and assisted me when D1 was resisting arrest. PC2 retrieved my flashlight after it fell to the ground. PC2 can be clearly seen on the video at the front of my police car while I was trying to detain the subject. I attempted to re-contact PC2 to thank him for assisting me during the incident, but was unable to reach him.

NO PC3 STATED IN POLICE REPORT

## INVESTIGATIVE ACTION

On 051105 at 2137hrs I was dispatched to the parking lot of Uncle Willies on Long Neck Rd. to investigate a disorderly subject complaint. Upon arrival, I contacted & interviewed V1 reference the facts of the complaint. While interviewing him, W1 came over to where I was speaking with V1 and made me aware of another incident that had just occurred which was determined to be a related matter. I quickly left Uncle Willies so I could attempt to locate this subject before he got too far away.

As I traveled south on Long Neck Rd, I could see a subject walking on the right shoulder in a southern direction. As I got closer, I could see that the subject was shirtless and was wearing light colored pants. I pulled in behind the subject, and identified myself. When this subject turned around, I observed tattoos on his left and right chest. I ordered this subject to the ground and he did so. I then told him to put his hands behind his back and allow me to cuff him, which he did. At this time, I began to get his personal information so I could perform a wanted check. This subject advised that his name was David S. Yarnall (D1) and his DOB was 100369. I also advised SUSCOM that I had the subject in custody, on the ground, and in front of my police vehicle.

When I started to go back to the police car, D1 started to get up and onto his feet. D1 was able to get back onto his feet before I could get back over to him. I immediately advised SUSCOM that D1 was resisting and that I needed assistance. When I reached D1, he was starting to walk away from my police car towards Long Neck Rd. When I reached D1, I put hands on him and asked him to get back on the ground, which he refused to do. D1 then started to quickly walk away from me, and I latched onto his left arm with my left arm.

Once I was able to grab D1's arm, I attempted to put him in an arm bar and restrain him up against the passenger side of my patrol vehicle. D1 continued to pull away and was actually moving both of us towards Long Neck Rd. As I struggled with D1, I tried to get my right foot in front of his and trip him face first onto the ground. D1 seemed extremely strong and

## Investigative Narrative - Continued

continued to keep his leg out just far enough that I was unable to trip him forwards or backwards.

Throughout this entire incident, I yelled at D1, telling him to stop resisting. While being pulled around by D1, I told him that I was going to have to strike him with my flashlight if he did not stop resisting. This warning was yelled twice to no avail. While D1 continued moving around with me latched onto his left arm, I raised my division issued mag flashlight and struck D1 across the right side of his head. D1 continued pulling away, and I struck him a second time on the right side of his head causing blood to start running down D1's face. When I struck him the second time, I dropped my flashlight, which was quickly retrieved by a citizen who stopped to help. When D1 started bleeding, I quickly called SUSCOM and had them dispatch an ambulance.

*SECOND BLOW CAUSED FLASHLIGHT TO FLY OUT OF MENDEZ'S HANDS  
SEEN IN VIDEO. WHERE IS FLASHLIGHT?*

After striking D1 with the flashlight, I was able to maneuver him to the right hood area from this point forward, the incident was captured on video (7SP-6345/Tape 7-218). Prior to, the incident was captured on audio only.

I continued to struggle with D1 and had to physically restrain him on the hood of my police vehicle. D1 would seem to calm momentarily before once again trying to raise up off the hood of my car. Everytime D1 tried to raise up, I yelled for him to stay down. Even with my body weight pressed against D1, he was able to lift up and try to stand erect, which was unsuccessful. This struggle went on for a approx 5 minutes before police assistance arrived.

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While still pinned up against the car, I could hear sirens approaching. Moments later, 2 Millsboro Police officers arrived and applied the Tazer device upon D1. I released D1 after the tazer shock and he fell forward to the ground. Moments later D1 got back up onto his feet and started running towards Grotto Pizza. We gave chase on foot and caught him in front of the restaurant. At this time, Millsboro Police fired their Tazer device into D1's bare back and shocked him causing him to collapse to the ground.

Over the course of approx 10 minutes, the defendant had to be physically restrained on the ground until the paramedics could sedate him.

I/M: DAVID SCOTT YARABALL BLDG: HULL  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

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OFFICE OF THE CLERK

U.S. DISTRICT COURT

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19801

*S.M.S.  
Y-RAY*

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